THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P. No.24346 of 2001

Dated:13.12.2007

Between:

Mastya Parishramika Sahakara Sangam Ltd.,
rep.by its President.

..Petitioner.

and

Gram Panchayat, Tirumalaipalli, rep. by its Executive Authority.

..Respondent.

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P. No. 24346 of 2001

ORDER

The case of the petitioner is that it is operating within the limits of Rayaparthy Village in Warangal District and that its members are eking out their livelihood by fishing in the ponds and lakes vested in the Gram Panchayat, Rayaparthy including the tanks in Banda Kunta since more than 40 years, and when some of the residents of Tirumalaipally village tried to interfere with the fishing rights of its members it sought police protection from the Assistant Director of Fisheries, and so the Assistant Director of Fisheries, Warangal, addressed a letter dated 30.07.1998 to the Sub-Inspector of Police, Vardhannapeta to grant police protection to them, and as the respondent-Gram Panchayat, which has no right in the tanks at Banda Kunta village, is trying to interfere with its fishing rights in the tanks at Rayaparthy Gram Panchayat, it filed this petition questioning the action of the respondent in trying to put the fishing rights in Banda Kunta to auction.

2. No counter-affidavit is filed by the respondent till today though the writ petition is filed in the year 2001.

3. Heard the counsel for the petitioner. On 28.11.2007 as there was no representation on behalf of the respondent, the case was directed to be listed on 06.12.2007 for orders. Later it is listed today. Today also there is no representation on behalf of the respondent.

4. Since the documents produced by the petitioner show that Banda Kunta is within the jurisdiction of Rayaparthy Gram Panchayat and since the respondent-Gram Panchayat has no

jurisdiction or right over the tanks vested in Rayaparthy panchayat,

I am disposing of this writ petition with a direction to the respondent not to interfere with the fishing rights of the petitioner society in the tanks situated at Banda Kunta area of Rayaparthy Gram Panchayat, petitioners are entitled to costs of this petition from the respondent.

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C.Y.SOMAYAJULU, J

Dated: 13.12.2007

SJ